

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL W. OGIN,  
Plaintiff,  
v.  
MICHAEL J. ASTRUE,  
Defendant.

Case No. [11-cv-05077-MEJ](#)

**ORDER DENYING PETITION FOR  
ATTORNEY FEES AND COSTS**

Re: Dkt. No. 36

Plaintiff Michael W. Ogin filed a Petition for Attorney Fees, Costs, and Expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, on September 21, 2015, seeking \$3,911.27 for time spent litigating this case. Dkt. No. 36. That same day, Plaintiff filed a concurrent motion for EAJA fees in the Ninth Circuit seeking an additional \$12,258.95 for fees and expenses in appealing this case. *See Ogin v. Colvin*, 9th Cir. No. 12-17232 at Ninth Cir. Dkt. 28-1. Both fee requests stem from litigating the same underlying administrative decision.

On November 12, 2015, the Ninth Circuit denied Plaintiff's motion for EAJA fees and found that the government's position opposing an award of benefits was substantially justified. *See* Dkt. No. 42. Accordingly, the Court DENIES Plaintiff's Petition for Attorney Fees and Costs.

**IT IS SO ORDERED.**

Dated: November 23, 2015

  
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MARIA-ELENA JAMES  
United States Magistrate Judge